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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,638	11/18/2003	Dan Forsberg	089229.00071	3251
32294 7590 07/31/2007 SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			EXAMINER NOBAHAR, ABDULHAKIM	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/714,638

Applicant(s)

FORSBERG, DAN

Examiner

Abdulhakim Nobahar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-32,36-41 and 45-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,6,11,16,21,26-31,36-40 and 45-48 is/are allowed.
- 6) ☒ Claim(s) 2, 7-10, 12-15, 17-20, 22-25, 32 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to applicants' response filed on 03/29/2007.
2. Claims 1, 2, 6-32, 36-41 and 45-48 are pending.
3. Claims 3-5, 33-35 and 42-43 are cancelled.
3. Claims 1, 31 and 40 are amended.
4. Applicant's arguments with respect to the rejections of claims 1, 31 and 40 under 35 USC § 102 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration of the claims the following response is presented.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 7-10, 12-15, 17-20, 22-25, 32 and 41 are rejected under 35

U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 7, 12, 17, 22, 32 and 41 recite "establishing the secure tunnel and the authenticating the user equipment with the network begin simultaneously" which is in conflict with "establishing the secure tunnel begins before authenticating the user and wherein during a time between a beginning of establishing the secure tunnel with one of

the network entities and a beginning of authenticating the user equipment with another of the network entities" recited by claims 1, 31 and 40 that renders the claims indefinite.

Claims 8-10, 13-15, 18-20 and 23-25 are indefinite because they are dependent from cancelled claims.

Allowable Subject Matter

1. Claims 1, 6, 11, 16, 21, 26-31, 36-40 and 45-48 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The primary reasons for the allowance of the independent claims 1, 31 and 40 are the inclusion of the following limitations that are not found in the prior art and they are uniquely distinct features. The closest prior art Zhang et al (2002/0174335 A1) and Palekar et al (US 20030226017 A1). Zhang discloses a method for providing authentication, authorization and accounting (AAA) transactions in a wireless network. Zhang also discloses that a mobile terminal (MT) receives services from an Internet service provider (ISP) having an authentication server through an access point (AP) with a server. Palekar discloses an efficient method for establishing a secure communication between two endpoints such as a wireless client and a network entity, which consist of two phases of establishing a secure tunnel and authenticating the wireless client. Palekar further discloses that for the purpose of establishing the secure tunnel between the two endpoints either the authentication method is negotiated or the protocol used for communication

However, these two arts, singularly or in combination, fail to anticipate or render the following limitation:

"Claim 1, 31 and 40: communication during the time includes at least one of a request for an identification of the user equipment and a request for capability of the user equipment to support at least one data protocol."

3. The dependent claims 6, 11, 16, 21, 26-30, 36-39 and 45-48 are allowed because they were originally found to include a unique feature not found in the closest abovementioned art.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-T 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AN

Abdulhakim Nobahar

Examiner

Art Unit 2132

A.N.

July 25, 2007



GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100